



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature  
First Regular Session

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## **HB 2751: search warrants; audible notice; requirements.**

**Sponsor: Representative Hernandez A, LD 3**  
**Committee on Criminal Justice Reform**

### **Overview**

Modifies conditions of issuing and executing search warrants.

### **History**

A magistrate is required to authorize unannounced entry to execute a warrant if there is a reasonable showing that an announced entry to execute the warrant would endanger the safety of an individual or destroy items listed in the search warrant ([A.R.S. § 13-3915](#)).

A peace officer may break into a building, premise or vehicle to execute a warrant if the magistrate authorized an unannounced entry; the circumstances and objective facts of the situation indicate that an announced entry would result in the destruction of evidence or endanger an individual's safety; or the peace officer provided notice of the officer's authority and purpose and received no response or was denied entry ([A.R.S. § 13-3916](#)).

### **Provisions**

1. Eliminates the requirement for the magistrate to authorize unannounced entry in the event that an announced entry to execute a warrant would endanger the safety of an individual or result in the destruction of the items described in the warrant. (Sec. 1)
2. Requires a peace officer to provide the occupants of the place to be searched with an audible notice about the officer's authority and purpose that can be reasonably expected to be heard before the search warrant is executed. (Sec. 2)
3. Specifies a peace officer must provide *audible notice* when executing a search warrant after receiving no response or refusal of admittance. (Sec. 2)
4. Removes the ability of a peace officer to execute a search warrant if the officer believes that announcing the officer's authority and purpose before entry would endanger the safety of an individual or result in the destruction of evidence. (Sec. 2)
5. Requires that the peace officers executing the search warrant give a copy of the search warrant to the person being searched or to the owner or an occupant of the place being searched after the place has been entered and secured but before the search is commenced. (Sec. 2)
6. Stipulates that the peace officer executing a search warrant will affix a copy of the search warrant to the place that is to be searched if the place is unoccupied. (Sec. 2)
7. Makes technical changes (Sec. 1, 2)
8. Makes conforming changes (Sec. 1, 2, 3)

☐ Prop 105 (45 votes)

☐ Prop 108 (40 votes)

☐ Emergency (40 votes)

☐ Fiscal Note